

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS  
STATE OF MISSOURI

SHIRLEY PAGE,

Plaintiff,

vs.

FIFTH THIRD BANK,  
Serve:  
CSC  
221 BOLIVAR ST  
JEFFERSON CITY MO 65101

Defendant.

2007 NOV 2 PM 2:09

JOAN M. GILMER  
CIRCUIT CLERK

Cause No.

Div.

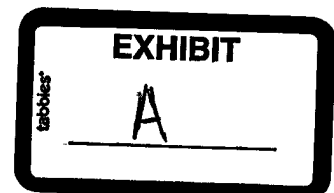
JURY TRIAL DEMAND

10

PETITION

Comes now Plaintiff, and for her cause of action against the defendant, states as follows:

1. Plaintiff is a resident of St. Louis County. The events complained of took place in St. Louis County.
2. Plaintiff entered into a lease agreement involving the purchase of a car with defendant.
3. Plaintiff satisfied all the terms of that lease agreement.
4. Despite that, Defendant filed suit against Plaintiff on that lease agreement, but dismissed the lawsuit after discovering there was no amount owed on the lease.
5. However, Defendant still reported the full amount of the lease – in excess of \$20,000 – as both a charge off, an amount owed, and an amount not paid against Plaintiff to multiple credit bureaus.



6. Plaintiff did not discover, and had no reason to inquire in order for her to discover, that this had been reported to these credit bureaus prior to November 2, 2005.
7. As a result of the above, Plaintiff was damaged in that she was unable to obtain credit to continue her business, experienced mental anguish, a loss of income, and inability to obtain credit in general in an amount presently unknown but in excess of \$25,000.00.

**COUNT I – FRAUD**

8. Plaintiff restates and incorporates paragraphs 1-7 as if fully set forth herein.
9. Defendant, in reporting this debt to credit bureaus, intended others to rely on these statements.
10. The statements were false.
11. Either defendant knew the statements were false, or did not know whether they were true or false.
12. The statements were material to the credit bureaus reporting, and lending institutions extending credit.
13. The credit bureaus and lending institutions relied on defendant's statements in reporting and making decisions on lending.
14. Defendant's conduct was outrageous because of Defendant's evil motive or reckless indifference to the rights of others.

WHEREFORE, Plaintiff respectfully request this Court enter judgment in his favor for general and special damages in excess of \$25,000 as allowed by law; punitive

damages of \$250,000; costs of this action; pre and post-judgment interest; and any other relief this Court deems just and proper.

**COUNT II – MERCHANDISING PRACTICES ACT**

15. Plaintiff restates and incorporate paragraphs 1-7 as if fully set forth herein.

16. Defendant used deception, fraud, false pretense, false promise, committed an unfair practice, and concealed and suppressed a material fact.

17. Defendant's conduct was outrageous because of Defendant's evil motive or reckless indifference to the rights of others.

WHEREFORE, Plaintiff respectfully requests this Court enter judgment in his favor for general and special damages in excess of \$25,000 as allowed by law; punitive damages of \$250,000; attorneys fees; costs of this action; pre and post-judgment interest; and any other relief this Court deems just and proper.

**COUNT III – INTENTIONAL INTERFERENCE WITH CREDIT EXPECTANCY**

18. Plaintiff restates and incorporate paragraphs 1-7 as if fully set forth herein.

19. Plaintiff had a valid expectancy that her credit would be reported accurately.

20. Defendant knew of this expectancy.

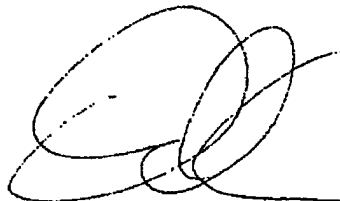
21. Plaintiff was denied credit due to Defendant's intentional interference with Plaintiff's credit in February, 2007 and thereafter.

22. Defendant had no justification for wrongfully reporting inaccurate credit information.

23. Defendant's conduct was outrageous because of Defendant's evil motive or reckless indifference to the rights of others.

WHEREFORE, Plaintiff respectfully requests this Court enter judgment in his favor for general and special damages in excess of \$25,000 as allowed by law; punitive damages of \$250,000; costs of this action; pre and post-judgment interest; and any other relief this Court deems just and proper.

LAW OFFICES OF DAVID C. KNIERIEM

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

David C. Knieriem  
7711 Bonhomme, Suite 850  
Clayton, MO 63105  
314-862-5110  
314-862-5943 (fax)  
Attorney for Plaintiff


#37968



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: MICHAEL T JAMISON	Case Number: 07SL-CC00660
Plaintiff/Petitioner: SHIRLEY PAGE	Plaintiff's/Petitioner's Attorney/Address DAVID C. KNIERIEM 7711 BONHOMME SUITE 850 SAINT LOUIS, MO 63105
Defendant/Respondent: FIFTH THIRD BANK	Court Address: ST LOUIS COUNTY COURT BUILDING 7900 CARONDELET AVE CLAYTON, MO 63105
Nature of Suit: CC Other Tort	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: FIFTH THIRD BANK	
221 BOLIVAR ST JEFFERSON CITY, MO 65101	Alias: SERVE: REGISTERED AGENT CSC
 ST. LOUIS COUNTY	<p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p>07-NOV-2007 Date</p> <p><i>Joan P. Salmer</i> Clerk</p>
Further Information:	

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
- ☐ other \_\_\_\_\_
- Served at \_\_\_\_\_ (address)
- in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees, if applicable

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Mileage \$ \_\_\_\_\_ (\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.




## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: MICHAEL T JAMISON	Case Number: 07SL-CC00660	<b>FILED</b> DEC 03 2007 JOAN M. GILMER CIRCUIT CLERK, ST. LOUIS COUNTY (Date File Stamp)
Plaintiff/Petitioner: SHIRLEY PAGE	Plaintiff's/Petitioner's Attorney/Address DAVID C. KNIERIEM 7711 BONHOMME SUITE 850 SAINT LOUIS, MO 63105	
Defendant/Respondent: FIFTH THIRD BANK	Court Address: ST LOUIS COUNTY COURT BUILDING 7900 CARONDELET AVE CLAYTON, MO 63105	
Nature of Suit: CC Other Tort		

## Summons in Civil Case

The State of Missouri to: **FIFTH THIRD BANK**  
 221 BOLIVAR ST  
 JEFFERSON CITY, MO 65101

Alias: **SERVE: REGISTERED AGENT**  
 CSC

**COURT SEAL OF**  
  
 ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

07-NOV-2007  
 Date

*Joan M. Gilmer*  
 Clerk

Further Information:

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☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☒ other: Served Fifth Third Bank % CSC, L. Shipley designated (name) \_\_\_\_\_ (title).

Served at 221 Bolivar St. J.C. Mo 65101 (address)

in City of St. Louis (County) City of St. Louis, MO, on 11/20/07 (date) at 0900 (time).

Greg B. White Printed Name of Sheriff or Server

[Signature] Signature of Sheriff or Server

**RECEIVED**  
 NOV 15 2007

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

## Sheriff's Fees, if applicable

Summons \$ 20.00

Non Est \$ \_\_\_\_\_

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

Total \$ 20.00

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

*Ch 1205*  
*20.00*